NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

FACT SHEET

(pursuant to NAC 445A.236)

Permittee: Lander County
550 West Second Street
Battle Mountain, Nevada 89820

Permit: NV0023167

Project: Battle Mountain Wastewater Treatment Plant
145 West Third Street
Battle Mountain, Nevada 89820

Location of Discharge: Outfall 002: Latitude: 40º 39' 33" N; Longitude: 116º 56' 25 W
Outfall 003: Latitude: 40º 39' 42" N; Longitude: 116º 56' 21 W
Township 32 N, Range 45 E, Section 7 MDB&M

General: The Permittee has applied for renewal of National Pollutant Discharge Elimination System (NPDES) Permit NV0023167 to discharge treated wastewater from the Battle Mountain Wastewater Treatment Plant (BMWTP) via a effluent channel to the Reese River, a tributary of the Humboldt River. The effluent channel discharge point into the Reese River is approximately 14.5 miles upgradient of the confluence of the Reese River to the Humboldt River.

The BMWTP operates a sequential batch reactor (SBR) wastewater treatment facility, a secondary treatment process with biological nitrogen and phosphorus removal. This permit renewal continues the SBR process that replaced the pond system during the previous permit period. The two SBR basins (0.4 MGD capacity per basin), chlorine contact tank, aerobic sludge digester, and sludge thickener are constructed in the eastern emergency storage pond of the old pond system. The pond now provides secondary containment for the SBR basins and its embankment elevation is above the 100-year flood elevation.

The SBR discharges to an open, unlined effluent channel that flows approximately 900 feet to the Reese River. Discharge is sampled at each end of this channel at Outfall 002 (discharge to the effluent channel) and Outfall 003 (confluence of the effluent channel and the Reese River). Additional sampling points are located in the Reese River above Outfall 003, as well as 12 miles downstream of Outfall 003 during those periods when flow within the Reese River is present.

Biosolids generated at the facility are held for additional treatment in two lined sludge holding ponds. A water cap is maintained on both ponds to reduce odors.

Discharge Flow and Characteristics: The SBR wastewater treatment facility has been in operation since Third Quarter 2002. During the period from August 2002 to December 2007, the following has been reported in the Discharge Monitoring Reports (DMR) for the facility:

PARAMETER		PERMIT LIMIT	AVERAGE	MINIMUM	MAXIMUM
Flow (MGD)	30-Day Avg	***0.8***	0.379	0.304	0.536
	Daily Maximum	***2.0***	0.477	0.385	0.673
Outfall 002	Temperature (°C)	***26***	16.55	12.1	23.5
	Dissolved Oxygen (mg/l)	***M&R***	4.63	3.1	9.5
	BOD5 (mg/l)	***45***	3.1	1	11
	TSS (mg/l)	***45***	4.6	1	20
	pH (Standard Units)	***6.5 – 8.5***	7.43	6.2	8.2
	TDS (mg/l)	***750***	658.5	520	990
	Nitrate as N (mg/l)	***7***	1.04	<0.05	2.6
	Total Nitrogen (mg/l)	***10***	2.26	1	5.3
	Total Phosphorus (mg/l)	***M&R***	1.62	<0.025	11
	Total Phosphates (mg/l)	***2.0***	1.29	<0.02	6.9
	Chlorides (mg/l)	***M&R***	128	83	210
	Fecal Coliform (cfu or mpn/100 ml)	***400***	5.6	<2	42000

Receiving Water Characteristics: The BMWTP effluent is discharged to the Reese River via an unlined channel ,and to groundwater. The Class C Standards, NAC 445A.126, apply to the Reese River north of old U.S. Highway 50, where the confluence of the channel to the Reese River lies. Beneficial uses of Class C waters are: irrigation; watering of livestock; recreation involving contact with the water; recreation not involving contact with the water; industrial supply; municipal or domestic supply, or both following complete treatment; propagation of wildlife; and aquatic life. Standards for Class C waters are given for pH, dissolved oxygen, temperature, fecal coliform, total phosphates, and total dissolved solids. Standards for total ammonia and identified toxic substances are set in Nevada for all surface waters in the State.

There are no active gaging stations or water quality monitoring points on the Reese River stream segment designated as a Class C water, other than those operated by the Permittee. The Permittee has reported that in the area downgradient of the channel discharge the Reese River flows less than 60 days per year. As a condition of the permit, the Permittee monitors the Reese River upgradient of the channel discharge and also near the confluence of the Humboldt and Reese Rivers. Based on limited 2001 monitoring upgradient of the Permittee's discharge point during the term of a temporary permit, the following data has been obtained from the Reese River upgradient of the channel outfall:

Parameter	Average	Minimum	Maximum
Flow (gpd)	Permittee was unable to quantify flow, other than no flow in August and September.		
Temperature (ºC)	16.7	2.5	29.0
pH (standard units)	8.81	7.38	9.86
Chlorides (mg/L)	1,128	50	2,800
Dissolved Oxygen (mg/L)	7.09	3.17	8.79
Nitrate (mg/L)	(1)	< 0.5	< 2.5
Total Dissolved Solids (mg/L)	3,238	410	6,100
Total Nitrogen (mg/L)	(2)	0.85	8.3
Total Phosphates (mg/L)	0.92	0.1	3.1
Total Phosphorus (mg/L)	1.52	0.1	5
Total Suspended Solids (mg/L)	133	14	550
Un-ionized Ammonia (mg/L)	0.58	0.04	1.7

Notes: (1) All five data points were reported as less than values (< 2.5, < 2.5. < 2.5, < 0.5, < 0.5).
(2) Three of the five data points were reported as less than values (< 5.9, < 3.3, <7.4).
ºC: Degrees Celsius.
mg/L: Milligrams/liter.

During the temporary permit monitoring (February 2001 through August 2001), the Reese River flow did not reach the monitoring point near the confluence of the Reese River to the Humboldt River, a distance of approximately 14.5 miles from the confluence of the effluent channel to the Reese River (Outfall 003). The maximum distance the effluent flow traveled in the Reese River was 4.6 miles.

It is not expected that effluent discharged from the BMWWTP will flow from Outfall 003 to the Reese River/Humboldt River confluence. However, the following discussion is provided in consideration to identify possible affects this permitted discharge may have on the immediate downstream water body, a segment of the Humboldt River. The Permittee's required monitoring ends at a location on the Reese River, a Class C beneficial use and water quality standards water (NAC445A.126), approximately 2.5 miles above the Reese confluence with the Humboldt River. The confluence of the Reese and Humboldt Rivers is located between the Battle Mountain Gage control point and the control point where State Highway 789 crosses the Humboldt at Comus. The water quality standards for the approximately 81.4 mile segment of the Humboldt River, including the approximately 66.9 mile distance downstream of the Reese River/Humboldt River confluence, are listed in NAC 445A.206. The listed beneficial uses of this river segment are aquatic life (warm-water fishery), contact and non-contact recreation, wildlife propagation, irrigation, stock watering, and municipal or domestic supply. Based on NDEP Bureau of Water Quality Planning monitoring data, at times the Humboldt River does not meet the pH, turbidity, total dissolved solids (TDS), total suspended solids (TSS), and total

phosphorus NAC 445A.206 listed standards. NDEP has identified pH, Chlorides and TDS as pollutants of concern because the river water quality does not meet the requirements to maintain existing higher quality (RMHQ) for these constituents. Additionally, the October 2004 303(d) State of Nevada "List of Impaired Waterbodies" provides a compilation of pollutants or stressors of concern for this reach of the Humboldt River. These are Boron (total), Iron (total), Total Dissolved Solids (TDS), Total Phosphorus, Total Suspended Solids (TSS), turbidity, and Zinc (dissolved). Total maximum daily loads (TMDL) for total phosphorus, TDS and TSS exist for the reach of the Humboldt River in question. Waste load allocations have not been established for the Humboldt River.

Groundwater in the vicinity of the old RIBs is monitored for nitrate, total nitrogen, chlorides, and TDS at five monitoring wells. All five wells show high levels of TDS and chloride concentrations.

Proposed Effluent Limitations: During the period beginning on the effective date of this permit and lasting until the permit expires, the Permittee is authorized to discharge to the effluent channel through Outfall 002 and to the Reese River through Outfall 003, according to the following:

a. **Discharge Monitoring:** Samples taken in compliance with the monitoring requirements specified below shall be taken at the following locations:

   i. Influent to the treatment plant;

   ii. Discharge from the SBR at the effluent channel, Outfall 002;

   iii. Discharge from the SBR effluent channel at the Reese River, Outfall 003;

   iv. Reese River upstream of the discharge (If there is no flow in at this point this sampling is not required BUT the condition must be reported as "no flow") and

   v. Reese River approximately twelve miles downstream of Outfall 003 where the 25 Ranch access road crosses the River (If there is not continuous Reese River flow from the channel outfall (Outfall 003, Monitoring Point iii) in use at that time to monitoring point v., this sampling is not required BUT the condition must be reported as "no continuous flow between sampling stations iii and v").

b. The discharge shall be limited and monitored by the Permittee as specified below:

TABLE I.1: Effluent Limitations

PARAMETERS	EFFLUENT DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	30-Day Average	Daily Maximum	Sample Locations	Measurement Frequency	Sample Type
Flow – SBR Influent (MGD)	0.80	2.00	i.	Continuous	Recorder
Flow (Staff Gage Measurement, Feet)	Monitor and Report		iv.	Weekly	Observation
			v.	Monthly	
pH (standard units)	Monitor and Report		i., iv., v.	Monthly	Discrete
	6.5 ≤ pH ≤ 9.0		ii.		
Biochemical Oxygen Demand, 5-day (mg/L)	Monitor and Report		iv.	Monthly	Discrete
			i.		Composite
	30	45	ii.		
Total Suspended Solids (mg/L)	Monitor and Report		i., iv.	Monthly	Composite
					Discrete
	30	45	ii.		Composite
Total Dissolved Solids (mg/L)	750		ii.	Monthly	Composite
	Monitor and Report		iv., v.		Discrete
Dissolved Oxygen (mg/L)	Monitor and Report		ii., iii.	Monthly	Discrete
Fecal Coliform (cfu/100 mL)	200	400	ii.	Monthly	Composite
Temperature (ºC)	---	34	ii.	Monthly	Discrete
	Monitor and Report		iv.		
Total Nitrogen –N (mg/L)	Monitor and Report		iv., v.	Monthly	Discrete
	---	10.0	ii.		Composite
Total Ammonia (mg/L)	0.264 [a]	1.32 [b]	ii.,	Monthly	Discrete
	Monitor & Report		iv., v.		
Nitrate –N (mg/L)	---	7.0	ii.	Monthly	Composite
	Monitor & Report		iv., v.		
Total Phosphorus –P (mg/L)	Monitor and Report		iv., v.	Monthly	Discrete
	---	2.0	ii.		Composite
Chlorides (mg/L)	Monitor and Report		ii., iv.(1), v.(1).	Monthly	Discrete
Distance (feet) the flow has traveled from Outfall 003	Monitor and Report		---	Monthly	Discrete

Notes:

(1). Monitoring may be discontinued, with Division approval, after one year of chlorides concentrations with all single values ≤ 110 mg/L and the annual average is ≤ 60 mg/L at Outfall 002.

a. The listed 30-Day Average effluent limitation is the chronic water quality criteria for total ammonia for waters where freshwater fish in early life stages may be present at pH of 9.0 and temperature of 24 ° C, as listed in Nevada Administrative Code (NAC) 445A.118. The concentration of total ammonia, in milligrams of nitrogen per liter, expressed as a 30-day average must not exceed the applicable chronic criterion listed more than once every 3 years on average.

b. The listed Daily Maximum effluent limitation is the acute water quality criteria for total ammonia for freshwater aquatic life listed in warm water fisheries at pH 9.0, as listed in NAC 445A.118.. The concentration of total ammonia, in milligrams nitrogen per liter, must not exceed the listed daily maximum value more than once every three years, on average.

mg/L: Milligrams per liter.
MGD: Million gallons per day.
cfu/ 100mL: Colony forming units per 100 milliliters.
º C: Degrees Celsius.
-N: As nitrogen.
-P: As phosphorus.
≤: Less than or equal to.
≥: Greater than or equal to.

c. **Groundwater Monitoring**: Discrete groundwater samples shall be collected to confirm the effective protection of groundwater under the established discharge conditions of this permit.

i. Discrete samples shall be collected from each groundwater monitoring well, including MW-1, MW-2, MW-3, MW-4, and MW-5.

ii. Groundwater monitoring wells shall be conspicuously labeled, capped to prevent migration of surface contaminants to the groundwater, and locked to restrict access.

iii. Monitoring wells may be abandoned after closure of all ponds according to a Division approved closure plan.

iv. The Permittee shall monitor all new and existing groundwater monitoring wells for the following parameters:

TABLE I.2: Groundwater Monitoring

PARAMETER	REQUIREMENTS	FREQUENCY	SAMPLE TYPE
Depth to Groundwater (feet)	Monitor & Report	Quarterly	Field Measurement
Groundwater Elevation (feet AMSL)	Monitor & Report	Quarterly	Calculate
pH (standard units)	Monitor & Report	Quarterly	Discrete
Chlorides (mg/L)	Monitor & Report	Quarterly	Discrete
Total Dissolved Solids (mg/L)	Monitor & Report	Quarterly	Discrete
Nitrate -N (mg/L)	Monitor & Report	Quarterly	Discrete
Total Nitrogen –N (mg/L)	10 See Part I.A.1.d	Quarterly	Calculate

Notes:
mg/L: Milligrams per liter
-N: As nitrogen

Schedule of Compliance and Special Conditions: The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications which the Administrator may make in approving the schedule of compliance.

a. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.

b. The Permittee shall submit reports illustrating compliance or noncompliance with specified compliance dates within 14 days of any respective, scheduled compliance date.

c. **By MMM DD, 2008,** the Permittee shall submit any updates to the Division approved Operations and Maintenance (O&M) Manual. Any updates, other than contact list revisions, etc., must be stamped by a professional engineer registered in the State of Nevada.

d. **By MMM DD, 2008,** the Permittee shall install staff gages at monitoring locations iv and v (Reese River Upstream of Outfall 003 and location where 25 Ranch Road crosses the Reese River, respectively).

Rational for Permit Requirements: The Permittee has requested that the NV0023167 discharge be considered as a discharge to an effluent-dependent ecosystem. The Clean Water Act and its regulations establish four methods for modifying standards and permits to address the circumstances of effluent-dependent waterways. Each method provides flexibility for states and dischargers to tailor their standards to local conditions while ensuring that existing uses are fully protected.

In June 1992, Region IX of the U.S. Environmental Protection Agency issued the Interim Final "Guidance for Modifying Water Quality Standards and Protecting Effluent-Dependent Ecosystems." This guidance is intended to help states and dischargers use existing flexibility in the federal regulations to:

-comply with applicable water quality standards and permit requirements;
-select affordable alternatives for effluent management, and
-help preserve or create in-stream flows that support desirable ecosystems located in arid areas.

The NV0023167 discharge is being proposed under Method 3: Site-Specific Water Quality Criteria. Site-specific water quality criteria may be developed in locations where local species composition or local water chemistry warrants adjustment of existing criteria. The discharge will enhance aquatic and wildlife habitat conditions in the Reese River that would otherwise be dry the majority of the year.

The Reese River is currently classified as a Class C water with its associated beneficial uses. All beneficial uses are totally dependent on whether or not there is water in the river. Since water is rarely present in the Reese River, except during storm events and spring runoff, the river can never meet its stated beneficial uses, except for brief periods.. The addition of the effluent to the river will allow the river to develop and maintain some of the beneficial uses. The beneficial uses which may be achieved with the effluent include irrigation, propagation of wildlife, watering of livestock, non-contact recreation, and groundwater recharge. All of these beneficial uses will be developed by the proposed discharge.

The SBR cannot produce an end of pipe discharge that complies with the Class C water quality standards for dissolved oxygen, temperature, total dissolved solids, or total phosphates without substantial and widespread economic impact on the community. However, a properly maintained and operated SBR will meet or exceed required NPDES secondary treatment standards. Mixing zones are not an option because of the lack of in-stream flow. EPA has recognized that effluent-dependent ecosystems are important even if all of the beneficial uses cannot be protected. The discharge will yield net ecological benefits and, therefore, is being proposed as a discharge to an effluent-dependent ecosystem.

Flow - The SBR system has been designed for a daily maximum influent of 2.0 MGD and a 30-day average influent of 0.8 MGD.

pH - Per NAC 445A.126, the Class C water quality standards require a discharge pH in the range of 6.5 to 9.0. Therefore, the SBR effluent must comply with this standard. Upgradient Reese River pH monitoring is required to determine background water quality.

Biochemical Oxygen Demand, 5-day (BOD_5) - The secondary treatment discharge standards for BOD_5

concentration are ≤ 45 mg/L for a daily maximum and ≤ 30mg/L for a 30-day average. The secondary treatment standards have been incorporated into the permit. The influent BOD_5 must be monitored to determine the 30-day average removal efficiency of the plant, as required by Part I.A.2.

There is no BOD_5 standard for Class C waters or for this segment of the Humboldt River.

Total Suspended Solids (TSS) - The secondary treatment discharge standards for TSS concentration are ≤ 45 mg/L for a daily maximum and ≤ 30 mg/L for a 30-day average. The secondary treatment standards have been incorporated into the permit. The influent TSS must be monitored to determine the 30-day average removal efficiency of the plant, as required by Part I.A.2.

There is no TSS standard for Class C waters. Per NAC 445A.206, the specific reach of the Humboldt River TSS water quality standard for beneficial uses is an annual median of ≤ 80 mg/L.

Total Dissolved Solids (TDS) - Per NAC 445A.126, the Class C water quality standards require that the total dissolved solids must not exceed 500 mg/L or one-third above that characteristic of natural conditions, whichever is less.

The SBR cannot consistently comply with this standard without expensive treatment methods such as reverse osmosis. The TDS concentration in the Battle Mountain water supply varies from 320 to 350 mg/L. The average TDS concentration of wastewater is approximately 400 mg/L above TDS concentration of the water supply, therefore, taking into account that this will be an effluent-dominated water body, the TDS effluent discharge limitation is being proposed as 750 mg/L.

Reese River TDS monitoring upstream of the discharge has been retained to document the difference in TDS concentration between the effluent and the ambient water.

The proposed effluent-dominated ecosystem discharge limitation is less stringent than the NAC 445A.206 water quality standard for beneficial uses (annual average ≤ 500 mg/L, and the requirement to maintain existing higher quality, annual average ≤ 500 mg/L and single value ≤ 560 mg/L). However, downstream TDS monitoring is required.

Dissolved Oxygen (DO) - Per NAC445A.126, the Class C water quality standards require a DO concentration of not less than 5.0 mg/L for waters without trout.

The SBR has not been designed to comply with this standard. The effluent DO concentration from the facility is expected to range from 2 to 3 mg/L. The facility has no control over the DO levels in the effluent. The vegetation that will establish itself in the effluent channel is not expected to appreciably increase the DO, therefore, the Permittee will only be required to monitor and report the effluent DO. Further, the DO requirement is assuming presence of fish, which is unlikely in this physical setting for these discharges. As discussed previously, this segment of the Reese River has very limited flow.

Fecal Coliform - Per NAC 445A.126, the Class C water quality standards require that the more stringent of the following apply:

(1) The fecal coliform concentration must not exceed a geometric mean of 1000 per 100 mL, nor

may more than 20% of total samples exceed 2400 per 100 mL.

(2) The annual geometric mean of fecal coliform concentration must not exceed that characteristic of natural conditions by more than 200 per 100 mL nor may the number of fecal coliform in a single sample exceed that characteristic of natural conditions by more than 400 per 100 mL.

(3) The fecal coliform concentration, based on a minimum of 5 samples during any 30-day period, must not exceed a geometric mean of 200 per 100 mL, nor may more than 10 percent of the total samples during any 30-day period exceed 400 per 100 mL. This is applicable only to those waters used for primary contact recreation.

The chlorine contact tank will be operated to reduce the fecal coliform to a daily maximum of 400 colony forming units per 100 milliliters (cfu/mL) and a 30-day average of 200 cfu/mL.

NAC 445A.206 includes a fecal coliform standard of ≤ 200/400 and an annual geometric mean of ≤ 40 and a single value of ≤ 100 as requirements to maintain existing higher quality, but the Permittee is not responsible for fecal coliform growth that may occur downstream of the discharge.

The effluent discharge channel will be posted to provide warning to the public that waters present are, or contributed to by, treated effluent.

Temperature - Per NAC 445A.126, the Class C water quality standards require that the temperature must not exceed 34ºC for waters without trout.

Reese River temperature monitoring upstream of the discharge has been retained to document the temperature difference between the effluent and any ambient water.

Total Nitrogen (TN) – The Permittee has requested a TN permit limitation of < 10.0 mg/L. There is no TN standard for Class C waters. Per NAC 445A.206, there are total nitrogen requirements to maintain existing higher quality in the specified segment of the Humboldt River (annual average ≤ 2.9 mg/L and April through November single value ≤ 3.7 mg/L).

Based on limited monitoring, there has been significant variation of the TN concentration in the Reese River. Additional Reese River monitoring is required to acquire data necessary to determine potential impacts to the Humboldt River, if the Reese River reaches the confluence.

Un-ionized Ammonia – Previous renewals of Permit NV0023167 included the requirement to monitor and report un-ionized ammonia. This requirement was included because, per NAC 445A.206, the un-ionized ammonia standard for the reach of the Humboldt River to which the Reese River is tributary was ≤ 0.02 mg/L. Following the last renewal of Permit NV0023167, NAC 445A.206 was revised, and the un-ionized ammonia standard was removed. The requirement to monitor and report un-ionized ammonia has been removed from this permit renewal. Total ammonia was adopted as the standards criteria parameter to provide the necessary protection of beneficial uses previously afforded by the un-ionized ammonia criteria.

Total Ammonia: DMR data submitted for the Battle Mountain WWTP indicates that the maximum

temperature of the effluent discharged at Outfall 002 is 23.4 (24) °C, and the maximum pH value is limited to 9.0 Standard Units. Since the Reese River is effluent dominated in the reach in question, it is reasonable to expect that these conditions will predominate in the stream. Pursuant to NAC 445A.118 and based on the reported effluent pH and temperature, the total ammonia limits are established as 0.264 mg/l (chronic water quality criteria) for the 30-day average, and 1.32 mg/l (acute water quality criteria) for the daily maximum. These limits may not be exceeded more than once in 3 years, on average.

Nitrate – There is no nitrate standard for Class C waters. Per NAC 445A.206, the nitrate single value standard for this segment of the Humboldt River is ≤ 10 mg/L.

The SBR has been designed to discharge nitrate at a concentration of < 7.0 mg/L.

Total Phosphates – The total phosphates standard previously listed for Class C waters in NAC 445A.126 (1.0 mg/l) was removed from regulation since the last permit renewal. The permit limitation for this constituent has been removed from the permit with this renewal.

Total Phosphorus (TP) - NAC445A.126 has been revised to include a TP standard of 0.33 mg/L for Class C waters. Further, under NAC 445A.206, there is a seasonal, April through November, TP standard of ≤ 0.1 mg/L for the specified reach of the Humboldt River. These levels of phosphorus reflect the phosphorus that would be expected in natural waters. However, as earlier demonstrated, the Reese River in the reach in question is an effluent dominated stream which dissipates prior to confluence with the Humboldt River.

A total phosphorus level of 2.0 mg/L can be consistently achieved biologically using treatment processes employed by the Permittee. To further reduce the total phosphorus concentrations, chemicals would have to be added to treatment process resulting in further elevation of the effluent TDS. Therefore, the total phosphorus limit for this discharge is proposed to be increased to 2.0 mg/L for the effluent-dominated ecosystem.

Additional Reese River monitoring is required to accumulate data necessary to determine the potential impact of the discharge on the Humboldt River, if the Reese River reaches the confluence. "Monitor and Report" requirements have been applied.

Chlorides - There is no chlorides standard for Class C waters. Per NAC 445A.206, the chlorides single value standard for beneficial uses for the specified segment of the Humboldt River is ≤ 250 mg/L. The requirements to maintain higher quality are an annual average of ≤ 60 mg/L and a single value of ≤ 110 mg/L.

Based on limited monitoring, the average chloride concentration exceeds the Humboldt River beneficial use standard. Additional Reese River monitoring is required to accumulate data necessary to determine the potential impact of the discharge on the Humboldt River, if the Reese River reaches the confluence. "Monitor and Report" requirements have been applied.

Distance the flow has traveled from Outfall 003 – Distance the flow has traveled from Outfall 003 is monitored to determine if the flow will reach the confluence of the Reese and Humboldt Rivers.

Groundwater Monitoring – Groundwater quality monitoring is required to ensure that this resource is not degraded by the Permittee's operation of the RIBs or the sludge holding ponds. Nitrate is the only monitored parameter with a primary drinking water standard.

Procedures for Public Comment: The Notice of the Division's intent to issue a permit authorizing the facility to discharge to surface waters of the State of Nevada subject to the conditions contained within the permit, is being sent to the **Battle Mountain Bugle** and the **Reno Gazette-Journal** for publication. The notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing, postmarked until 5:00 P.M. **September 12, 2008**, a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted in accordance with NAC 445A.238.

The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.605.

Proposed Determination: The Division has made the tentative determination to issue the proposed permit for a five (5) year period.

Prepared by: Janine Hartley
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